

HOUSE BILL 336

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HB 1433/02 - HRU

2003 Regular Session
3r1239
CF 3r2289

By: **Delegates Burns, Doory, Hurson, Hutchins, Menes, O'Donnell, and Proctor**

Introduced and read first time: February 3, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Victim Notification**

3 FOR the purpose of establishing victim, victim's representative, and witness
4 notification procedures for criminal proceedings in certain cases in which the
5 crime charged caused the death of the victim; establishing the same notification
6 procedures when a petition for delinquency is filed for a child committing an act
7 that caused the death of the victim that could be tried in circuit court or the
8 District Court; altering certain postsentencing notification procedures to apply
9 to certain cases; and generally relating to certain notification in certain criminal
10 proceedings.

11 BY repealing and reenacting, without amendments,
12 Article - Criminal Procedure
13 Section 11-104(a)
14 Annotated Code of Maryland
15 (2001 Volume and 2002 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Criminal Procedure
18 Section 11-104(c) and 11-502
19 Annotated Code of Maryland
20 (2001 Volume and 2002 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Criminal Procedure**

24 11-104.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) "Victim" means a person who suffers actual or threatened physical,
27 emotional, or financial harm as a direct result of a crime or delinquent act.

1 (3) "Victim's representative" includes a family member or guardian of a
2 victim who is:

3 (i) a minor;

4 (ii) deceased; or

5 (iii) disabled.

6 (c) (1) THIS SUBSECTION APPLIES ONLY TO A CRIMINAL CASE:

7 (I) FOR WHICH THERE IS AN INDICTMENT OR INFORMATION IN
8 CIRCUIT COURT; OR

9 (II) IN THE DISTRICT COURT OR A CIRCUIT COURT IN WHICH THE
10 CRIME CHARGED CAUSED THE DEATH OF THE VICTIM.

11 (2) Within 10 days after the filing or the unsealing of an indictment or
12 information in circuit court, whichever is later, THE RECEIPT OF A CASE IN A CIRCUIT
13 COURT FROM THE DISTRICT COURT, OR THE FILING OF A CASE IN THE DISTRICT
14 COURT, the prosecuting attorney shall:

15 (i) mail or deliver to the victim or victim's representative the
16 pamphlet described in § 11-914(9)(ii) of this title and the notification request form
17 described in § 11-914(10) of this title; and

18 (ii) certify to the clerk of the court that the prosecuting attorney has
19 complied with this paragraph or is unable to identify the victim or victim's
20 representative.

21 [(2)] (3) If the prosecuting attorney files a petition alleging that a child
22 is delinquent for committing an act that could only be tried in the circuit court if
23 committed by an adult OR FOR AN ACT THAT CAUSED THE DEATH OF THE VICTIM
24 THAT COULD BE TRIED IN A CIRCUIT COURT OR THE DISTRICT COURT IF COMMITTED
25 BY AN ADULT, the prosecuting attorney shall:

26 (i) inform the victim or victim's representative of the right to
27 request restitution under § 11-606 of this title;

28 (ii) mail or deliver to the victim or victim's representative the
29 notification request form described in § 11-914(10) of this title; and

30 (iii) certify to the clerk of the juvenile court that the prosecuting
31 attorney has complied with this paragraph or is unable to identify the victim or
32 victim's representative.

33 [(3)] (4) For cases described under this subsection, the prosecuting
34 attorney may provide a State's witness in the case with the guidelines for victims,
35 victims' representatives, and witnesses available under §§ 11-1001 through 11-1004
36 of this title.

1 11-502.

2 This subtitle applies only to a:

3 (1) defendant who is charged with a [felony] CRIME:

4 (I) FOR WHICH THERE IS AN INDICTMENT OR INFORMATION IN
5 CIRCUIT COURT; OR

6 (II) IN THE DISTRICT COURT OR CIRCUIT COURT IN WHICH THE
7 CRIME CHARGED CAUSED THE DEATH OF THE VICTIM; or [to a]

8 (2) child respondent who is alleged to have committed:

9 (I) a delinquent act that would be [a felony] A CRIME ONLY TRIED
10 IN CIRCUIT COURT if committed by an adult; OR

11 (II) AN ACT THAT CAUSED THE DEATH OF THE VICTIM THAT
12 WOULD BE TRIED IN A CIRCUIT COURT OR THE DISTRICT COURT IF COMMITTED BY
13 AN ADULT.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2003.